



BRUCE

8283

January 5, 1989

Mary Gade, Associate Division Director  
Office of Superfund  
United States Environmental Protection  
Agency, Region 5  
230 South Dearborn Street  
Chicago, IL 60604

**ICI Americas Inc.**

Law Department  
General Section  
Wilmington  
Delaware 19897  
Telephone (302) 575-3000  
Fax (302) 575-2952

Re: Fields Brook Site, Ashtabula County, Ohio

Dear Ms. Gade:

We are in receipt of your letter of December 21, 1988 wherein you advised of the status of the Fields Brook Site. In such letter, you indicated that Stauffer Chemical had been previously put on notice for potential liability for conditions at the site. This is to advise that we continue to believe that such a determination by the EPA is inaccurate.

As described in our January 29, 1988 letter (attached) Stauffer Chemical, while owning land and constructing a titanium tetrachloride facility in Ashtabula County, Ohio, never operated such facility nor owned such facility during commercial production. As such, we continue to assert that there is no basis under CERCLA by which Stauffer Chemical can be considered a potentially responsible party. We again request that Stauffer be removed from the potentially responsible party list for the Fields Brook Site.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Samuel E. Malovrh".

Samuel E. Malovrh  
Environmental Counsel

SEM/taw

Enclosure

010589TAW302

RECEIVED  
JAN 10 1989

REMEDIAL &  
ENFORCEMENT  
RESPONSE BRANCH

# ICI Americas Inc.

Law Department  
General Section

January 29, 1988

SENT VIA FEDERAL EXPRESS  
SENT CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ms. Susan Swales  
U.S. Environmental Protection Agency  
230 S. Dearborn  
Chicago. IL 60604

RE: Fields Brook, Ashtabula County, Ohio

Dear Ms. Swales,

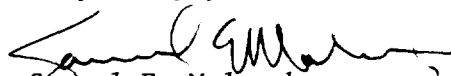
Gary Ford, Stauffer Chemical Company Counsel, in his letter to you of January 14, 1988 advised that further investigation regarding TAC involvement with the above site would be undertaken and a supplemental response made by January 25, 1988. As discussed with Mr. Michael Berman on January 25 and 27, Mr. Ford is no longer with Stauffer Chemical and, having just become involved with this matter, I asked if we could supplement the January 14 response on this date. Mr. Berman kindly agreed.

Further investigation has shown that TAC did own a parcel of land in Ashtabula, Ohio. The land, totalling 34.251 acres, consists of two plots - one of 33.91 acres purchased in October, 1956 (recorded January 2, 1957) and one of 0.341 acres purchased in October, 1957. Copies of these deeds are attached. This land was in turn conveyed to Mallory-Sharon Metals Corporation on July 29, 1958 pursuant to a lease with an option to purchase dated as of March 1, 1958 between TAC and National Distillers and Chemical Corporation. A copy of such lease is also attached.

To the best of our knowledge, and based on inquiries of TAC employees, during its short period of ownership, TAC constructed a titanium tetrachloride plant on the above-described land; however, TAC never operated such plant. Upon conveyance of the land to Mallory-Sharon Metals corporation on July 29, 1958 the plant was also transferred.

Based on the above, we do not believe Stauffer Chemical Company is a potentially responsible party as alleged in your November 6, 1987 letter. Stauffer owned the land and plant for but a short period of time and did not operate the facility during the plant's operation when any pollution may have occurred. As such we request that Stauffer be removed from any potentially responsible party list maintained by the Agency.

Very truly yours,

  
Samuel E. Malovrh  
Environmental Attorney

012988SMH103

X 142700

# WARRANTY DEED

Rev. \$90.20 FROM

Harry A. Bachmeister

Margaret R. Bachmeister

TO

Stauffer Chemical Co., a

corporation

RECEIVED FOR RECORD

Dec 28 19 56

at 3:28 o'clock P.M.

Recorded Jan 2 19 57

in Ashtabula County Records

Volume 545, Page 391

A. H. Fortune

Fee \$ 1.40

RECORDER

TRANSFERRED

Auction, Ashtabula County, Ohio

DEC 28 1956

Harry A. Bachmeister

THE CASE LOAN, BLANK CO., CLEVELAND

BOOK 545 PAGE 391

VINCENT L. FOX

1.40 J-307